

**Before the
Federal Communications Commission
Washington, D.C. 20554**

FCC 05M-03

04026

In the Matter of

EB Docket No. 04-381

**Florida Cable Telecommunications
Association, Inc.; Comcast Cablevision of
Panama City, Inc.; Mediacom Southeast,
L.L.C.; and Cox Communications Gulf,
L.L.C.,**

Complainants,

v.

Gulf Power Company,

Respondent.

ORDER

Issued: February 1, 2005

Released: February 2, 2005

A Prehearing Conference was held on January 31, 2005. *See Order FCC 05M-01*, released January 12, 2005.

There was extended discussion on the status of a pole attachment survey that is being undertaken by Gulf Power of its power-line poles that are utilized for cable connections by the Complainant parties. There also was discussion on the meaning of "full capacity," status of document discovery, confidentiality order, survey report, and experts.

Bureau counsel commented on Gulf Power's burden of proceeding with evidence as outlined in *Description of Evidence Gulf Power Seeks to Present in Satisfactory of the Eleventh Circuit's Test*, filed January 8, 2004, in addition to its pole attachment survey evidence and related expert testimony. Gulf Power so acknowledged and did not object.

It was mutually agreed that the parties shall have thirty days from date of actual notices to respond to interrogatories and requests for documents.¹

It will be permitted, without objection, for each party to call two opinion witnesses: one witness on methodology, facts and/or engineering relating to pole attachment survey; one witness on economics and amount of damages.

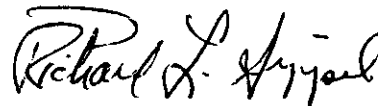
¹ Since counsel are exchanging courtesy copies by e-mail on date of filing, the thirty days count begins on the day following the filing date.

The procedural schedule² was amended to reflect the following:

- February 11, 2005** - Proposed Stipulation and Agreed Confidentiality Order submitted for signature.
- February 28, 2005** - Statement that all necessary cable companies are parties to the case.
- April 12, 2005** - Status Conference to commence at 9:30 a.m.
- May 16, 2005** - Preliminary Report of Pole Attachment Survey.³

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁴

A handwritten signature in black ink, appearing to read "Richard L. Sippel".

Richard L. Sippel
Chief Administrative Law Judge

² See Order FCC 04M-42, released December 20, 2004.

³ The Report must be substantially completed by May 16, 2005, and a final Report shall be completed and exchanged by **July 15, 2005**.

⁴ Courtesy copies of this *Order* were transmitted to counsel for each of the parties by e-mail on the date of issuance.